

**VIRGINIA BOARD OF NURSING  
FORMAL HEARINGS  
July 23 2009**

**TIME AND PLACE:** The meeting of the Virginia Board of Nursing was called to order at 9:06 A.M. on July 23, 2009 in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico Virginia.

**BOARD MEMBERS  
PRESENT:**

Lynne M. Cooper, Citizen Member, President  
Brenda Hale, R.N.  
Evelyn Lindsay, L.P.N.  
Judith E. Piersall, R.N., B.S.N.  
G. Maxine Ponn, L.P.N.

**STAFF PRESENT:**

Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director  
Brenda Krohn, R.N., M.S. Deputy Executive Director  
Gloria D. Mitchell, R.N., M.S.N., M.B.A., Deputy Executive Director  
Amy Davis, Administrative Assistant

**OTHERS PRESENT:**

Howard M. Casway, Senior Assistant Attorney General

**ESTABLISHMENT OF  
A QUORUM:**

With five members of the Board present, a quorum was established.

**FORMAL HEARINGS:**

**Kelly Evans, L.P.N. 0002-066243**

Ms. Evans did not appear.

Wendell Roberts, Adjudication Specialist represented the Commonwealth. Mr. Casway was legal counsel for the Board. Wanda Blanks, court reporter, recorded the proceedings.

Rachel Shaw, Senior Investigator, Department of Health Professions; Daniel Spencer, R.N. Supervisor, Valley Health Care; Omajean Bogel, L.P.N., Valley Health Care; and Amanda Compton, L.P.N., former employee at Valley Health Care were present and testified.

**CLOSED MEETING:**

Ms. Ponn moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 9:40 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Evans. Additionally, Ms. Ponn moved that Ms. Douglas, Ms. Krohn, Ms. Mitchell, Ms. Davis and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 9:52 A.M.

Ms. Ponn moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Ms. Lindsay moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Mr. Roberts and amended by the Board.

The motion was seconded and carried unanimously.

ACTION:

Ms. Hale moved that the Board of Nursing indefinitely suspend the practical nursing license of Kelly Evans for a period of not less than two years and until such time as she appears before the Board and provides sufficient evidence that she is safe and competent to practice.

The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

FORMAL HEARINGS:

**Dianah T. Farrar, C.N.A. Reinstatement Applicant 1401-031409**

Ms. Farrar did not appear.

Cynthia Gaines, Adjudication Specialist represented the Commonwealth. Mr. Casway was legal counsel for the Board. Wanda Blanks, court reporter, recorded the proceedings.

Loretta Hopson-Bush, Senior Investigator, Department of Health Professions; and Dawn France, Case Manager, Health Practitioners Monitoring Program were present and testified.

CLOSED MEETING:

Ms. Ponn moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 10:10 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Farrar. Additionally, Ms. Ponn moved that Ms. Douglas, Ms. Krohn, Ms. Mitchell, Ms. Davis and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 9:52 A.M.

Ms. Ponn moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Ms. Lindsay moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Gaines.  
The motion was seconded and carried unanimously.

ACTION: Ms. Hale moved that the Board of Nursing deny the reinstatement application of Dianah Farrar and revoke the right of Ms. Farrar to renew her nurse aid certificate.  
The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

RECESS: The Board recessed at 10:19 A.M.

RECONVENTION: The Board reconvened at 10:25 A.M.

FORMAL HEARINGS: **Carolann Mamzellis-Hein McIntyre, R.N. Reinstatement Applicant 0001-111464**  
Ms. McIntyre did not appear.

Cynthia Gaines, Adjudication Specialist represented the Commonwealth. Mr. Casway was legal counsel for the Board. Wanda Blanks, court reporter, recorded the proceedings.

Patricia Sheehan, Senior Investigator, Department of Health Professions was present and testified.

CLOSED MEETING: Ms. Ponn moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 10:35 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. McIntyre. Additionally, Ms. Ponn moved that Ms. Douglas, Ms. Krohn, Ms. Mitchell, Ms. Davis and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.  
The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 10:43 A.M.

Ms. Ponn moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.  
The motion was seconded and carried unanimously.

Ms. Lindsay moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Gaines and amended by the Board.  
The motion was seconded and carried unanimously.

ACTION: Ms. Hale moved that the Board of Nursing deny reinstatement of Carolann McIntyre's professional nursing license and continue her license on indefinite

suspension until such time as she appears before the Board and provides sufficient evidence that she is safe and competent to practice.  
The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

RECESS: The Board recessed at 10:45 A.M.

RECONVENTION: The Board reconvened at 11:05 A.M.

FORMAL HEARINGS: **Elizabeth Weaver, L.P.N. Reinstatement Applicant 0002-055780**  
Ms. Weaver appeared, accompanied by her mother, Linda Walters.

Anne Joseph, Deputy Director, Administrative Proceedings Division represented the Commonwealth. Mr. Casway was legal counsel for the Board. Wanda Blanks, court reporter, recorded the proceedings.

CLOSED MEETING: Ms. Ponn moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 11:43 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Weaver. Additionally, Ms. Ponn moved that Ms. Douglas, Ms. Krohn, Ms. Mitchell, Ms. Davis and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.  
The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 11:58 A.M.

Ms. Ponn moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.  
The motion was seconded and carried unanimously.

Ms. Piersall moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Joseph and amended by the Board.  
The motion was seconded and carried unanimously.

ACTION: Ms. Lindsay moved that the Board of Nursing deny reinstatement of Elizabeth Weaver's practical nursing license and continue her license on indefinite suspension until such time as she appears before the Board and provides sufficient evidence that she is safe and competent to practice.  
The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

RECESS: The Board recessed at 12:02 P.M.

RECONVENTION: The Board reconvened at 1:12 P.M.

FORMAL HEARINGS:

**Janice Heath, L.P.N. 0002-062670**

Ms. Heath appeared, accompanied by her husband, Jerry Heath.

Wendell Roberts, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Wanda Blanks, court reporter, recorded the proceedings.

Leith Ellis, Senior Inspector, Department of Health Professions; Jennifer Sears-Cockram, Case Manager, Health Practitioners Monitoring Program; and Jerry Heath were present and testified.

CLOSED MEETING:

Ms. Ponn moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 2:27 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Heath. Additionally, Ms. Ponn moved that Ms. Douglas, Ms. Krohn, Ms. Mitchell, Ms. Davis and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 2:27 P.M.

Ms. Ponn moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Ms. Piersall moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Mr. Roberts and amended by the Board.

The motion was seconded and carried unanimously.

ACTION:

Ms. Lindsay moved that the Board of Nursing indefinitely suspend the practical nursing license of Janice Heath for a period of not less than two years.

The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

FORMAL HEARINGS:

**Kelly Andrews, L.P.N. 0002-071338**

Ms. Andrews appeared.

Wendell Roberts, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Wanda Blanks, court reporter, recorded the proceedings.

Andrea Christian, Senior Investigator, Department of Health Professions; Martha Ann Spruill, Case Manager, Health Practitioners Monitoring Program were present and testified.

CLOSED MEETING: Ms. Ponn moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 3:35 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Andrews. Additionally, Ms. Ponn moved that Ms. Douglas, Ms. Krohn, Ms. Mitchell, Ms. Davis and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 3:50 P.M.

Ms. Ponn moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Ms. Lindsay moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Mr. Roberts and amended by the Board.

The motion was seconded and carried unanimously.

ACTION: Ms. Hale moved that the Board of Nursing continue the practical nursing license of Kelly Andrews on indefinite suspension, stay said suspension contingent upon Ms. Andrews re-entry into the Health Practitioners Monitoring Program and therefore remaining in compliance with the Program.

The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

FORMAL HEARINGS: **Heather Harper, R.N. 0001-197158**

Ms. Harper did not appear.

Wendell Roberts, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Wanda Blanks, court reporter, recorded the proceedings.

CLOSED MEETING: Ms. Ponn moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 4:05 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Harper. Additionally, Ms. Ponn moved that Ms. Douglas, Ms. Krohn, Ms. Davis and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 4:16 P.M.

Ms. Ponn moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public

business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Ms. Lindsay moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Mr. Roberts.

The motion was seconded and carried unanimously.

**ACTION:**

Ms. Ponn moved that the Board of Nursing indefinitely suspend the professional nursing license of Heather Harper for a period of not less than two years.

The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

**ADJOURNMENT:**

The Board adjourned at 4:19 P.M.

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Gloria Mitchell, R.N., M.S.N., M.B.A.  
Deputy Executive Director